



Building Act 1984

1984 CHAPTER 55

PART II

SUPERVISION OF BUILDING WORK ETC. OTHERWISE THAN BY LOCAL AUTHORITIES

Supplementary

55 Appeals.

- (1) A person aggrieved by the local authority's rejection of—
 - (a) an initial notice [^{F1}, amendment notice] or a public body's notice, [^{F2}or]
 - (b) a plans certificate, a final certificate, a public body's plans certificate or a public body's final certificate, [^{F3}or]
 - (c) a transfer certificate and a transfer report,]may appeal to a magistrates' court ^{F4}....
- (2) On an appeal under subsection (1) above, the court shall—
 - (a) if it determines that the notice [^{F5}, report] or certificate was properly rejected, confirm the rejection, and
 - (b) in any other case, give a direction to the local authority to accept the notice [^{F6}, report] or certificate.

[^{F7}(2A) Where a local authority cancels an initial notice, in whole or in part, by giving a notice (a "cancellation notice") under section 52A(4)—

- (a) the person shown in the initial notice as the person intending to carry out the work, or
 - (b) the registered building control approver,
- may appeal to the appropriate court or tribunal.
- (2B) On an appeal under subsection (2A), the court or tribunal must determine whether the relevant part of the initial notice was properly cancelled.

Status: Point in time view as at 06/04/2023.

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- (2C) In a case where the court or tribunal determines that the relevant part of the initial notice was not properly cancelled—
- (a) the determination does not have the effect of reinstating the relevant part of the initial notice;
 - (b) section 52B(2) and (6) continue to apply in relation to the relevant part of the initial notice;
 - (c) a new initial notice relating to any of the work to which the relevant part of the original initial notice related (the “original work”) may be given only if the new initial notice—
 - (i) is given before the end of the period of seven days beginning with the day on which the appeal is determined or such other period as may be prescribed, and
 - (ii) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority;
 - (d) the court or tribunal may give such directions as it considers appropriate in consequence of the determination (which may include giving directions to the regulator).
- (2D) Where—
- (a) a plans certificate has been given in respect of any of the original work,
 - (b) the conditions in paragraphs (a) and (b) of section 53(2) are fulfilled with respect to that certificate, and
 - (c) a new initial notice as referred to in subsection (2C)(c) is accepted,
- section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.
- (2E) Where—
- (a) a new initial notice is given in accordance with subsection (2C)(c), and
 - (b) the registered building control approver shown in the new initial notice is different to the registered building control approver shown in the original initial notice,
- sections 53B to 53E apply as if any reference in those sections to a new initial notice given in accordance with section 53(7)(a) were a reference to a new initial notice given in accordance with section 55(2C)(c).
- (2F) In this section the “relevant part of the initial notice” means so much of the initial notice as was subject to the cancellation notice.]
- (3) Where a person is aggrieved by a determination, confirmation, direction or other decision of a magistrates’ court under this section, he may appeal to the Crown Court.
- [^{F8}(4) On an appeal under subsection (1), the local authority must give the specified information to the regulator.
- (5) In this section “specified” means specified in regulations made by the Secretary of State under this section.
- (6) The Secretary of State may make regulations under this section only in relation to England.]

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Textual Amendments

- F1** Words in s. 55(1)(a) inserted (14.10.1996) by S.I. 1996/1905, **art. 3(8)**
- F2** Word in s. 55(1) omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by virtue of Building Safety Act 2022 (c. 30), **ss. 51(4)(a)(i), 170(4)(b)(c)**; S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F3** S. 55(1)(c) and word inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 51(4)(a)(ii), 170(4)(b)(c)**; S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F4** Words in s. 55(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 280, **Sch. 10**; S.I. 2005/910, art. 3(y)
- F5** Word in s. 55(2)(a) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 51(4)(b), 170(4)(b)(c)**; S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F6** Word in s. 55(2)(b) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 51(4)(c), 170(4)(b)(c)**; S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F7** S. 55(2A)-(2F) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), **ss. 46(5), 170(4)(b)(c)**; S.I. 2023/362, reg. 3(1)(u); S.I. 2023/914, reg. 2(b)(x); S.I. 2023/993, reg. 2(l) (with reg. 8)
- F8** S. 55(4)-(6) inserted (6.4.2023 for specified purposes except in relation to W.) by Building Safety Act 2022 (c. 30), **ss. 53(2), 170(4)(b)(c)**; S.I. 2023/362, reg. 3(1)(v)

56 Recording and furnishing of information.

(1) Every local authority [^{F9}in Wales] shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to initial notices [^{F10}amendment notices, notices under section 51C above,], [^{F11}public body's notices][^{F11}, transfer reports] and certificates given to them, including information [^{F12}(where applicable)] as to whether such notices [^{F13}, reports] or certificates have been accepted or rejected.

^{F14}(2)

(3) The reference in subsection (1) above to certificates is a reference to plans certificates, final certificates [^{F15}, transfer certificates] , public body's final certificates and certificates given under section 16(9) above.

(4) Every register kept under this section [^{F16}by a local authority in Wales] shall be available for inspection by the public at all reasonable hours.

(5) Where an initial notice or a public body's notice has continued in force for any period, the local authority by whom it was accepted may require the approved inspector or public body by whom it was given to furnish them with any information that—

(a) they would have obtained themselves if during that period their function of enforcing building regulations had continued to be exercisable in relation to the work [^{F17}to which the notice relates], and

(b) they require for the purpose of performing their duty under section 230 of the ^{M1}Local Government Act 1972 (reports and returns),

and that section shall have effect as if during that period that function had continued to be so exercisable.

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Textual Amendments

- F9** Words in s. 56(1) inserted (6.4.2023 for specified purposes except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 53(3)(a)(i)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v)
- F10** Words in S. 56(1) inserted (14.10.1996) by S.I. 1996/1905, **art. 3(9)(a)(i)**
- F11** Words in s. 56(1) inserted (6.4.2023 for specified purposes except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 53(3)(a)(ii)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v)
- F12** Words in s. 56(1) inserted (14.10.1996) by S.I. 1996/1905, **art. 3(9)(ii)**
- F13** Word in s. 56(1) inserted (6.4.2023 for specified purposes except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 53(3)(a)(iii)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v)
- F14** S. 56(2) omitted (28.7.2022) by virtue of [Building Safety Act 2022 \(c. 30\)](#), **ss. 48(4)**, 170(4)(b)(c); S.I. 2022/561, reg. 4; S.I. 2022/774, reg. 2
- F15** Words in s. 56(3) inserted (6.4.2023 for specified purposes except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 53(3)(b)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v)
- F16** Words in s. 56(4) inserted (6.4.2023 for specified purposes except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 53(3)(c)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v)
- F17** Words in s. 56(5)(a) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(9)(c)**

Marginal Citations

- M1** 1972 c. 70.

[^{F18}56A Giving information by electronic means: England

- (1) The regulator must establish and maintain a facility (the “facility”) to enable a specified person to give specified relevant information to another person by electronic communication.
- (2) The Secretary of State may by regulations require or authorise a specified person to use the facility when giving specified relevant information to another person.
- (3) Any information given to a person in accordance with regulations made under subsection (2) is to be treated for the purposes of section 56B (requirement to keep register) as also having been given to the regulator.
- (4) Regulations under this section may require a person who is given specified relevant information otherwise than through the facility to give that information to the regulator using the facility.
- (5) Regulations under this section may make provision treating specified relevant information that is given using the facility as having been given in the prescribed form for the purposes of this Part.
- (6) In this section—
 - “relevant information” means information that is required or authorised to be given by this Part or regulations made under it;
 - “specified” means specified in regulations made by the Secretary of State under this section.
- (7) In this section and section 56B—
 - “information” includes documents;
 - “documents” includes notices, certificates, orders, consents, demands and plans.

Status: Point in time view as at 06/04/2023.

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- (8) The Secretary of State may make regulations under this section only in relation to England.

Textual Amendments

F18 Ss. 56A-56C inserted (6.4.2023 for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), ss. 53(1), 170(4)(c); S.I. 2023/362, reg. 3(1)(v)

56B Requirement to keep register: England

- (1) The regulator must keep a register of specified relevant information.
- (2) The information that may be specified for the purposes of subsection (1) includes in particular information given, or treated as having been given, to the regulator using the facility established under section 56A(1).
- (3) The regulator—
- (a) must maintain the register in electronic form;
 - (b) must ensure that any specified parts of the register are available for inspection by members of the public;
 - (c) must, in specified circumstances, provide to members of the public, on request, copies of information kept in the register.
- (4) In this section—
- “relevant information” means information that is required or authorised to be given by this Part or regulations made under it;
 - “specified” means specified in regulations made by the Secretary of State under this section.
- (5) The Secretary of State may make regulations under this section only in relation to England.

Textual Amendments

F18 Ss. 56A-56C inserted (6.4.2023 for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), ss. 53(1), 170(4)(c); S.I. 2023/362, reg. 3(1)(v)

56C Delegation of functions

- (1) The regulator may by written notice delegate to a person, to such extent and subject to such conditions as the regulator considers appropriate, the functions conferred on the regulator by—
- (a) section 56A(1);
 - (b) section 56B(1) and (3) (including the ability to charge fees in connection with the exercise of those functions).
- (2) In subsection (1) “fees” means fees that are prescribed by, or determined by the regulator in accordance with, regulations under section 105B.
- (3) The regulator may delegate different functions to different persons under subsection (1).

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- (4) The regulator may delegate functions under subsection (1) only with the consent of the Secretary of State.
- (5) The regulator may revoke a delegation of functions to a person by giving a written notice to the person.
- (6) The regulator may revoke a delegation under subsection (5) only with the consent of the Secretary of State.
- (7) Schedule 3 to the Building Safety Act 2022 (information sharing) applies as if references to the regulator included references to a person to whom the regulator has delegated functions under subsection (1)(b).]

Textual Amendments

F18 Ss. 56A-56C inserted (6.4.2023 for specified purposes) by Building Safety Act 2022 (c. 30), ss. 53(1), 170(4)(c); S.I. 2023/362, reg. 3(1)(v)

57 Offences.

- (1) If a person—
 - (a) gives a notice or certificate that—
 - [^{F19}(i) purports to comply with the requirements of this Part of this Act, section 16(9) above or building regulations falling within paragraph 4A(1)(a) or (b) of Schedule 1 to this Act, and]
 - (ii) contains a statement that he knows to be false or misleading in a material particular, [^{F20}or]
 - [^{F21}(aa) fails without reasonable excuse to comply with a requirement under section 53(4A) to give information, or]
 - (b) recklessly gives a notice or certificate that—
 - (i) purports to comply with those requirements, and
 - (ii) contains a statement that is false or misleading in a material particular, he is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) above is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months or both, and
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.
- (3) Where an approved inspector or person approved for the purposes of section 16(9) above is convicted of an offence under this section, the court by or before which he is convicted shall, within one month of the date of conviction, forward a certificate of the conviction to the person by whom the approval was given.

Textual Amendments

- F19** S. 57(1)(a)(i) substituted (1.2.2006) by Sustainable and Secure Buildings Act 2004 (c. 22), ss. 8(4), 11(3); S.I. 2006/224, art. 2(c)
- F20** Word in s. 57(1) omitted (6.4.2023 for specified purposes except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), ss. 52(2)(a), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v)

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F21 S. 57(1)(aa) inserted (6.4.2023 for specified purposes except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 52(2)(b)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v)

58 Construction of Part II.

(1) In this Part of this Act—

- ^{F22}[‘amendment notice’ has the meaning given by section 51A(2) above;]
“final certificate” has the meaning given by section 51(1) above;
“initial notice” has the meaning given by section 47(1) above;
“plans certificate” has the meaning given by section 50(1) above;
“public body” and “public body’s notice” have the meanings given by section 54(1) above;
“public body’s final certificate” has the meaning given by paragraph 3 of Schedule 4 to this Act;
“public body’s plans certificate” has the meaning given by paragraph 2 of Schedule 4 to this Act.

(2) A reference in this part of this Act to the carrying out of work includes a reference to the making of a material change of use, as defined by and for the purposes of building regulations.

(3) A reference in this Part of this Act to an initial notice given by an approved inspector is a reference to a notice given by him jointly with another person as mentioned in section 47(1)(a) above.

Textual Amendments

F22 Words in s. 58(1) inserted (14.10.1996) by [S.I. 1996/1905](#), **art. 3(10)**

Status:

Point in time view as at 06/04/2023.

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